

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Enok TJOTTA

Box DAC

Serial No. 10/530,488

Conf. 5328

Group 1642

Filed April 6, 2005

Attention Group Director

METHOD FOR SELECTION OF COMPOUNDS WHICH INHIBIT CLONAL CELL
GROWTH AND USE THEREOF

**PETITION UNDER 37 CFR §1.181 TO WITHDRAW
THE HOLDING OF ABANDONMENT**

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 3, 2009

Sir:

Withdrawal of the holding of abandonment in the above-identified application pursuant to 37 CFR §1.181 is respectfully requested for the following reasons:

Recently, the undersigned attorney received from the United States Patent and Trademark Office a Notice of Abandonment dated October 28, 2009 in the above-identified application. The notice indicated that the application had been abandoned in view of applicant's failure to file a proper reply to the Office letter mailed September 17, 2009.

However a Notice of Appeal and a Pre-Appeal Brief Request for Review were duly filed on March 17, 2009. These documents have been duly made of record on PAIR. As further evidence, a Copy of the Electronic Acknowledgement and Receipt is appended to this paper.

Since the filing of the Pre-Appeal Brief Request

for Review, there has been no response from the United States Patent and Trademark Office.

Additionally, the United States Patent and Trademark Office OG Notice of July 12, 2005, which established the Pre-Appeal Brief Conference Program (see http://www.uspto.gov/web/offices/com/sol/og/2005/week28/ptab_ref.htm) states: "The time period for filing an appeal brief will be reset to be one month from mailing of the decision on the request, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater."

Therefore, the application should be considered as pending until at least one month from the date the United States Patent and Trademark Office issues a response to the Pre-Appeal Brief Request for Review.

Withdrawal of the holding of abandonment and early and favorable prosecution on the merits is respectfully requested.

Respectfully submitted,

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